

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
NO. 7:13-CR-98-1H

FILED IN OPEN COURT
ON 4/9/14 (L)
Julie A. Richards, Clerk
US District Court
Eastern District of NC

UNITED STATES OF AMERICA :
 :
 v. :
 :
 DANIEL JOSEPH LEONARD :

PRELIMINARY ORDER OF FORFEITURE

WHEREAS, pursuant to the entry of a Memorandum of Plea Agreement entered into by the defendant on November 12, 2013, the following property is hereby forfeitable pursuant to 26 U.S.C. § 5872, made applicable to this proceeding by virtue of 28 U.S.C. § 2461(c), as firearms used in knowing violations of 26 U.S.C. §§ 5822, 5841, 5861(d) & (f) and 5871, to wit:

1. Chinese AK-47 serial #27104259
2. Chinese AK-47 serial #28001324
3. Bulgarian AK-47 serial #B44444460
4. Hungarian AK-47 serial #L45724
5. Romanian AK-47 serial #1987RV3148
6. Soviet AK-47 serial #1977596102
7. Hungarian AK-47 serial #C54434
8. British Sterling L2A3 (MK4) serial #KR18145W
9. OPS Inc. Silencer (MB5) serial #5480

10. American Tactical AT-15 serial #AT02596
11. DPMS Model A-15 serial #FH21381K
12. Roggio Arsenal Model RA-15 serial #RA 09050071
13. Romanian AKM-47 serial #PX 6576 1988.

WHEREAS, by virtue of said Memorandum of Plea Agreement, the United States is now entitled to possession of said personal property, pursuant to 26 U.S.C. § 5872;

It is hereby ORDERED, ADJUDGED and DECREED:

1. That based upon the Memorandum of Plea Agreement as to the defendant DANIEL JOSEPH LEONARD, the United States is hereby authorized to seize the above-stated personal property, and it is hereby forfeited to the United States for disposition in accordance with the law, including destruction, as allowed by Fed. R. Crim. P. 32.2(b)(3). In accordance with Fed. R. Crim. P. 32.2(b)(3), this Order is now final as to the defendant.

2. That upon sentencing and issuance of the Judgment and Commitment Order, the Clerk of Court is directed to incorporate a reference to this Preliminary Order of Forfeiture in the applicable section of the Judgment, as required by Fed. R. Crim. P. 32.2(b)(3).


3. That pursuant to 21 U.S.C. § 853(n), the United States shall publish notice of this Order and of its intent to dispose of the property in such manner as the Attorney General directs,

by publishing and sending notice in the same manner as in civil forfeiture cases, as provided in Supplemental Rule G(4). Any person other than the defendant, having or claiming any legal interest in the subject property must file a petition with the Court within 30 days of the publication of notice or of receipt of actual notice, whichever is earlier.

The petition must be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the subject property, and must include any additional facts supporting the petitioner's claim and the relief sought.

4. That upon adjudication of all third party interests this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853, as required by Fed. R. Crim. P. 32.2(c).

SO ORDERED. This 9TH day of April 2014.


MALCOLM J. HOWARD
Senior United States District Judge